



W.P.No.25089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.25089 of 2023

N.Karthikeyan

.. Petitioner

Vs

1.The Tasildhar,
Tasildhar Office,
Rasipuram,
Namakkal District.

2.The District Collector,
Namakkal District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records in Na.Ka.4872/2023/b1 dated 7.8.2023 issued by the first respondent and quash the same and consequently implement the order in Na.Ka.Si.Pa.35/07 B2 dated 24.1.2008 passed by the first respondent and to grant patta in S.No.2/1 in Rasipuram Village (Goundampalayam) with respect to 0.04.00 hectares (10 cents) of



W.P.No.25089 of 2023

WEB COPY

land on payment of purchase price and grant road access (90 feet length x 30 feet width) for the same.

For the Petitioner : Ms.J.Prithivi

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Ms.J.Prithivi, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. The petitioner is challenging the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

3. Learned counsel submits that in the year 2008, the Tahsildar had issued a memo to the father of the petitioner with regard to the issuance of house patta. However, the father of the petitioner was bedridden. The petitioner was not aware of the same



W.P.No.25089 of 2023

and recently the petitioner could get knowledge of it. During the interregnum, the respondents issued notice under Section 7 of the Act.

4. Learned counsel for the petitioner further submits that the aspect of the grant of house patta is required to be considered. The petitioner has approached the Tahsildar in that regard.

5. The notice issued is only under Section 7 of the Act. The petitioner has a remedy to file a reply to the said notice. The respondent authority shall have to consider the reply filed by the petitioner and thereafter take a decision under Section 6 of the Act. The petitioner can raise all the grounds before the authority in its reply to the notice under Section 7 of the Act. The said grounds will certainly have to be considered by the authority before proceeding under Section 6 of the Act.

6. The petitioner can also independently approach the authority with regard to the grant of house patta or otherwise.



W.P.No.25089 of 2023

WEB COPY

7. With these observations, the writ petition is disposed of.

There will be no order as to costs. Consequently, W.M.P.No.24519 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

25.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1.The Tasildhar,
Tasildhar Office,
Rasipuram,
Namakkal District.

2.The District Collector,
Namakkal District.



WEB COPY



W.P.No.25089 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

W.P.No.25089 of 2023

25.08.2023